

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

H & R BLOCK EASTERN
ENTERPRISES, INC.,

Plaintiff

v.

MARTHA REYES,

Defendant.

Case No. 08CV01071

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/26/08

CONSENT ORDER AND JUDGMENT

Upon the consent and agreement of the Plaintiff, H&R Block Eastern Enterprises, Inc., and Defendant, Martha Reyes, this final Order including injunctive relief is entered as follows:

1. H&R Block Eastern Enterprises, Inc. ("H&R Block") is a tax preparation service company having offices throughout the United States, including offices in New York.
2. Defendant Martha Reyes was employed by H&R Block in its New York, New York district providing tax preparation services for H&R Block under a Tax Professional Employment Agreement dated December 1, 2006 (the "Tax Professional Employment Agreement").
3. Martha Reyes' employment with H&R Block ceased in or around August, 2007.
4. Plaintiff has asserted claims that Defendant violated the terms of post employment constraints contained in the employment agreement and Defendant denies that she has violated any terms of any enforceable agreement.
5. Upon the consent of the parties, IT IS HEREBY ORDERED that:
 - A. Judgment is entered in favor of H&R Block, and against Defendant, in the amount of \$150,000.00 (One Hundred Fifty Thousand Dollars). This judgment is to be paid according to paragraph G.

WA 948093.1

Exhibit A

B. The Employment Agreement is a valid and enforceable agreement between Martha Reyes and H&R Block.

C. Defendant is hereby enjoined from the date of this Order up to and including April 30, 2009 from directly or indirectly providing any of the following services for H&R Block's Clients (as defined in paragraph 8 of the Settlement Agreement): (1) preparation of tax returns, (2) filing of tax returns electronically, and/or (3) providing bookkeeping or any other product or service that H&R Block offers to its clients within Defendant's former district of employment. Defendant is further enjoined that same period of time from directly or indirectly soliciting H&R Block's Clients (as defined in paragraph 8 of the Settlement Agreement) for the purpose of offering to such clients: (1) tax return preparation services, (2) electronic filing of tax returns, or (3) any other product or service that H&R Block offers to its clients within Defendant's former district of employment.

D. Defendant is hereby enjoined from the date of this Order up to and including April 30, 2009 from a) making copies of, reproducing, or retaining any Confidential Business Information (as defined in the Tax Professional Employment Agreement) of Plaintiff; b) directly or indirectly making known, divulging, misappropriating, or communicating to any person or entity any Confidential Business Information of Plaintiff; and c) using any Confidential Business Information of Plaintiff for any reason.

E. Defendant is hereby enjoined from the date of this Order up to and including April 30, 2009 from a) directly or indirectly soliciting Plaintiff's employees to leave the employment of Plaintiff or to work for a competitor of Plaintiff, or otherwise interfering with the Plaintiff's continuing relationship with its employees; or b) directly or indirectly hiring Plaintiff's employees. Plaintiff's employees shall be defined as persons employed by the Company at the time of the solicitation or hiring at any time during the term of Defendant's employment with H&R Block.

F. Defendant is hereby enjoined from the date of this Order up to and including April 30, 2009 from working for, assisting, or advising (a) Jackson Hewitt, its affiliates, subsidiaries, franchises, or related companies; (b) Liberty Tax, its affiliates, subsidiaries, franchises or related companies; and/or (c) Fast Tax, its affiliates, subsidiaries, franchises or related companies.

G. Defendant shall satisfy the \$150,000 judgment according to the terms of the parties' Settlement Agreement.

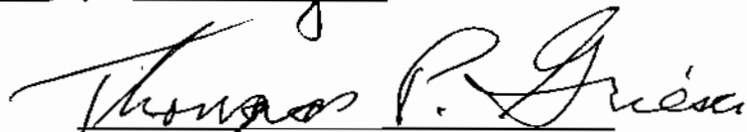
H. The remaining claims in the case are dismissed, with prejudice, each party to bear her or its own costs and attorney's fees.

I. All Parties acknowledge that only this Court has jurisdiction to properly enter and enforce this Order. All Parties acknowledge that only this Court retains jurisdiction to enforce this Order and the Parties' Settlement Agreement and obligations thereunder.

J. In the event that any part of this Order is violated by any person bound by this Order, the party benefiting by the Order may, by motion with notice to the other party, apply for sanctions and such other relief as may be appropriate.

This case is now concluded.

DONE and ORDERED this 23^d day of May, 2008.


THOMAS P. GRIESA
United States District Judge

AGREED TO IN FORM AND SUBSTANCE:

H&R BLOCK EASTERN ENTERPRISES, INC.

By: /s/ David H. Ganz
Steven Gerber (SG5881)
David H. Ganz (DG1405)
ADORNO & YOSS LLP
1040 Avenue of the Americas, Suite 1101
New York, New York 10018
Telephone: (973) 256-9000
Facsimile: (973) 256-9001

David M. Kight - *pro hac vice pending*
Spencer Fane Britt & Browne LLP
1000 Walnut, Suite 1400
Kansas City, Missouri 64106
Telephone: (816) 292-8303
Facsimile: (816) 474-3216
dkight@spencerfane.com

By: 
Martha Reyes

Dated: 4/30/08

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

Date:

In Re:

-v-

Case #:

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Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

J. Michael McMahon, Clerk of Court

by: _____

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

-V-	X X	NOTICE OF APPEAL civ. ()
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Notice is hereby given that _____
(party)
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the _____ day of _____, _____
(day) (month) (year)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**MOTION FOR EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL**

civ.

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Pursuant to Fed. R. App. P. 4(a)(5), _____ respectfully
(party)
requests leave to file the within notice of appeal out of time. _____
(party)
desires to appeal the judgment in this action entered on _____ but failed to file a
(day)
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

(Signature)_____
(Address)_____
(City, State and Zip Code)

Date: _____

()

(Telephone Number)

Note: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 2

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**NOTICE OF APPEAL
AND
MOTION FOR EXTENSION OF TIME**

civ. ()

1. Notice is hereby given that _____ hereby appeals to
(party)
the United States Court of Appeals for the Second Circuit from the judgment entered on _____.
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time
_____ respectfully requests the court to grant an extension of time in
(party)
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, _____ states that
(party)
this Court's judgment was received on _____ and that this form was mailed to the
(date)
court on _____
(date)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 3

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

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|
-----X

AFFIRMATION OF SERVICE

civ. ()

I, _____, declare under penalty of perjury that I have
served a copy of the attached _____

upon _____

whose address is: _____

Date: _____
New York, New York

(Signature)

(Address)

(City, State and Zip Code)

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006